

## **Sex Offender Classification Board Meeting**

### **Minutes**

April 23, 2004 – 8:30 a.m.

**Present:** Thomas Hearn, Pamela Huntsman, and Moscelene Sunderland members; Kathy Baird, assistant.

Chairman Gary Horton, via teleconference for the Executive Session portion of the meeting.

### **Introduction to Pam Sonnen, IDOC Administrator of Operations**

Pam Sonnen and her assistant, Harper McGarr were introduced to the board.

Although the SOCB is an independent entity, they rely upon the IDOC for fiscal and administrative support. Kathy Baird, the board's assistant, is also a department employee. A recent department decision has identified Pam Sonnen as Ms. Baird's on-site supervisor. Ms. Sonnen assured board members that their operations would not be effected by this supervisory move.

### **Minutes Approval**

Minutes of the following meetings were reviewed:

- October 24, 2003 regular meeting;
- January 7, 2004 regular meeting; and
- February 9, 2004 conference call

A MOTION WAS MADE BY PAMELA HUNTSMAN TO APPROVE THE REVIEWED MINUTES AS WRITTEN. THE MOTION WAS SECONDED BY MOSCELENE SUNDERLAND AND PASSED UNANIMOUSLY.

- Meeting minutes will be posted on the SOCB website, beginning with the 1/7/04 meeting.

### **Budget Update – Kathy Baird, SOCB Assistant**

Ms. Baird reported that 81% of the SOCB operating budget has been expended. Spending is on track, with 2 months left to the fiscal year. The board discussed anticipated expenditures and practical wants for the remaining funds.

### **Polygraphs – Steve Wolf, IDOC Investigator**

Mr. Wolf was recently hired as the IDOC Investigator, and has a lengthy history as a police polygraph examiner.

- Post-conviction sexual history polygraphs are widely utilized across the country in conjunction with sentencing for sex offenses.
- Additional training is required for polygraph examiners to receive post-conviction sexual history polygraph certification.
- Sexual history disclosure polygraphs seek to reveal information about other victims and paraphilias, without infringing on the offender's rights.
- Employing the use of multiple instrumentation is a quality issue when assessing offender risk.

- In instances where the defendant denies the offense, an instant offense polygraph is beneficial – can then be followed up by a sexual history disclosure polygraph.
- When the defendant admits to committing an offense, only the sexual history disclosure polygraph is needed.

Ms. Sunderland suggested seeking an opinion from the Attorney General's office regarding the use of post conviction/presentence sexual history polygraphs.

### **Legal Update – Mark Kubinski, Deputy Attorney General**

Mark Kubinski was introduced to the board. He has been assigned as the board's primary legal counsel.

- Mr. Kubinski has reviewed the first draft of proposed language changes for the SOCB administrative rules.
- A question was raised regarding criminal background checks for certified evaluator applicants. The previous language requiring applicant background checks has been eliminated. However, the board has authority to access any information that is commonly available to verify applicant professional licensure, membership in professional organizations, and matters of public record.

A MOTION WAS MADE BY PAMELA HUNTSMAN TO ADJOURN THE MEETING TO EXECUTIVE SESSION. THE MOTION WAS SECONDED BY MOSCELENE SUNDERLAND, WHICH PASSED UNANIMOUSLY.

### **Executive Session**

- The board identified a schedule for SOCB chairman elections; the chairman is elected by board member vote.
  - Beginning this year, elections will be conducted each even-numbered year, during the spring quarterly board meeting. The incoming chairman's date of service will begin July 1<sup>st</sup> – coinciding with the beginning of the fiscal year.
  - In the event that a standing chairman is unable to fulfill his duties, a special election will be held to select an interim chairman for the remaining term.
  - By majority vote, Thomas Hearn was chosen as the incoming SOCB chairman, effective July 1, 2004.
- Sex offender case review, pursuant to I.C. 67-2345 (1)(h) and I.C. 18-8315.
  - Inmate Brayen Finch, #41898 was designated as a violent sexual predator.

The meeting returned to regular session.

### **Administrative Rules**

The Temporary and Proposed SOCB Administrative Rules published in January 2004's Administrative Bulletin were not extended by the legislature. Comments received as a result of the SOCB's public hearing in February 2004 and discussions with the president of the Idaho Psychological Association were considered by the board. A modified rules document will be submitted for publication later this year.

Some administrative rule points discussed by the board included:

- The ID Psychological Association was not aware of the existing professional licensure exemption for state employees who are acting in the course of their employment.
- Reiterate that the psychosexual evaluator certification is only for evaluators – we are not authorized to certify sex offender treatment providers/programs.
- Provider charges will not be requested on the certification application. The reason for requesting charges was to include them on the certified evaluator roster.
- Supervised experience cannot be required at this point as a condition for initial certification, as there are no approved supervisors yet.
  - The feasibility of creating an “affiliate” evaluator process with approved supervisors may be reviewed after the evaluator certification system is in place.
- Add the list of training coursework outlined by ATSA to the initial evaluator certification qualification/specialized training section.
- Extend the experience qualification requirement of 2000 hours from “within the previous 7 years” to “within the previous 10 years”.

#### Miscellaneous Business

- The next SOCB meeting is scheduled for 7/16/04.
- A conference call to discuss one offender review will be convened on 6/16/04.

The meeting concluded at 2:45 p.m.

Submitted by:

Kathy Baird

Management Assistant